

REMARKS

Status of Claims and Amendment

Claims 12, 13, 15 and 16 have been amended. Claim 11 is allowed. Claims 1-3, 5-8 and 10-16 are all the claims pending in this application.

Claims 12 and 13 have been amended to be consistent with claims 3 and 8, respectively, upon which claims 12 and 13 depend.

Claims 15 and 16 have been amended to recite that the method for producing an oleanane type triterpene in which the 24-position is hydroxylated comprises culturing the transformant or yeast mutant strain in the presence of an oleanane type triterpene. Support for the amendments to claims 15 and 16 may be found, for instance, at page 7, lines 16-20 of the specification.

No new matter is added.

Response to Advisory Action

In the Advisory Action mailed March 3, 2009, the Office Action indicates that the Amendment under 37 C.F.R. § 1.116 filed February 12, 2009, was not entered because the amendments to the claims raise new issues that would require further search and/or consideration.

Specifically, the Office Action states that while the claim amendments appear to obviate all outstanding rejections, the amendment has not been entered because entry of the amendments would require consideration of claims 12-16 for rejoinder. Moreover, the Office Action asserts that rejoinder of claims 12-16 would result in new rejections under 35 U.S.C. § 112, first and second paragraphs, and objection due to improper multiple claim dependency.

Thus, the Office Action asserts that the Amendment filed February 12, 2009 does not place the application in condition for allowance, and in view of the non-entry of the amendment, Applicants' arguments are not found persuasive to overcome the outstanding rejections as set forth in the Office Action mailed on November 12, 2008, for the same reasons of record.

In response, Applicants note that in view of the Request for Continued Examination (RCE) being submitted herewith and entry of the Amendment filed February 12, 2009, the outstanding rejections and objections of record are rendered moot.

Additionally, Applicants have amended claims 12-16 to place them in condition for rejoinder.

Rejoinder of claims 12-16 is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The U.S. Patent and Trademark Office is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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